

active duty as a regular commissioned officer of the Armed Forces; to the Committee on Armed Services.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 12

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense in an appointment made on or after January 20, 2021, may be a person who is, on the date of appointment, within seven years after relief, but not within four years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

(b) LIMITED EXCEPTION.—This section applies only to the first person nominated after 12 p.m. (Eastern Standard Time) on January 20, 2021, and appointed as Secretary of Defense as described in subsection (a), and to no other person.

## SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 1—ESTABLISHING A COMMITTEE TO INFORM THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED**

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

**SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED**

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

**SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE**

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 3

*Resolved*, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

**SENATE RESOLUTION 4—FIXING THE HOUR OF DAILY MEETING OF THE SENATE**

Mr. MCCONNELL submitted the following resolution; which was submitted and read:

S. RES. 4

*Resolved*, That the daily meeting of the Senate be 12:01 pm unless otherwise ordered.

**SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 6, 2021, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**

Mr. MCCONNELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

*Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 2021, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and together with a list of the votes, be entered on the Journals of the two Houses.

**SENATE CONCURRENT RESOLUTION 2—EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES AND AUTHORIZING THE USE OF THE ROTUNDA AND EMANCIPATION HALL OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES IN CONNECTION WITH THE PROCEEDINGS AND CEREMONIES CONDUCTED FOR THE INAUGURATION OF THE PRESIDENT-ELECT AND THE VICE PRESIDENT-ELECT OF THE UNITED STATES**

Mr. MCCONNELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring)*,

**SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.**

Effective from January 3, 2021, the joint committee created by Senate Concurrent Resolution 38 (116th Congress), agreed to June 26, 2020, to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

**SEC. 2. USE OF CAPITOL.**

The rotunda and Emancipation Hall of the United States Capitol are authorized to be used on January 10, 2021, January 17, 2021, and January 20, 2021 by the joint committee created by Senate Concurrent Resolution 38 (116th Congress), agreed to June 26, 2020, in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Senate majority leader is recognized.

## MEASURE READ THE FIRST TIME—S. 11

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 11) to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDENT pro tempore. Objection has been heard.

The bill will be read for the second time on the next legislative day.

Mr. MCCONNELL. I would just state to everyone that we are about to go out of session so there will be plenty of time for congratulations.

# ORDERS FOR WEDNESDAY, JANUARY 6, 2021, AT 12:30 P.M.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:30 p.m., Wednesday, January 6; further, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; finally, following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

# ADJOURNMENT UNTIL WEDNESDAY, JANUARY 6, 2021 AT 12:30 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:49 p.m., adjourned until Wednesday, January 6, 2021, at 12:30 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### COMMODITY FUTURES TRADING COMMISSION

ROBERT BENEDICT BOWES, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2025, VICE BRIAN D. QUINTENZ, TERM EXPIRED.

### DEPARTMENT OF THE TREASURY

BRIAN P. BROOKS, OF CALIFORNIA, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF FIVE YEARS, VICE JOSEPH OTTING.

### FEDERAL RESERVE SYSTEM

JUDY SHELTON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010, VICE JANET L. YELLEN, RESIGNED.

### FEDERAL COMMUNICATIONS COMMISSION

JOHN CHASE JOHNSON, OF OKLAHOMA, TO BE INSPECTOR GENERAL, FEDERAL COMMUNICATIONS COMMISSION. (NEW POSITION)

### TENNESSEE VALLEY AUTHORITY

CHARLES W. COOK, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2025, VICE RICHARD CAPEL HOWORTH, TERM EXPIRED.

RICKY RODEN, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2021, VICE JAMES R. THOMPSON III.

### UNITED STATES TAX COURT

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

### DEPARTMENT OF STATE

WILLIAM A. DOUGLASS, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JOHN M. BARGER, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2022, VICE DAVID AVREN JONES, TERM EXPIRED.

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2024, VICE RONALD DAVID MCCRAY, TERM EXPIRED.

FRANK DUNLEVY, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2022, VICE MICHAEL D. KENNEDY, TERM EXPIRED.

## THE JUDICIARY

RAHKEL BOUCHET, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JOHN RAMSEY JOHNSON, RETIRED.

SHARON E. GOODIE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ROBERT E. MORIN, RETIRED.

JOHN P. HOWARD III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE KATHRYN A. OBERLY, RETIRED.

### MERIT SYSTEMS PROTECTION BOARD

DENNIS DEAN KIRK, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2023, VICE SUSAN TSUI GRUNDMANN, TERM EXPIRED.

## THE JUDICIARY

DANNY LAM NGUYEN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE CAROL A. DALTON, RETIRED.

MARK A. ROBBINS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MICHAEL L. RANKIN, RETIRED.

CARL EZEKIEL ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH BARTNOFF, RETIRED.

VIJAY SHANKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE JOHN R. FISHER, RETIRED.

ELIZABETH J. SHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE LEE F. SATTERFIELD, TERM EXPIRED.

JOHN C. TRUONG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE WENDELL P. GARDNER, JR., RETIRED.

### DEPARTMENT OF HOMELAND SECURITY

CHAD F. WOLF, OF VIRGINIA, TO BE SECRETARY OF HOMELAND SECURITY, VICE KIRSTJEN NIELSEN, RESIGNED.

## THE JUDICIARY

TERRENCE M. ANDREWS, OF CALIFORNIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EDWARD J. DAMICH, TERM EXPIRED.

RAUL M. ARIAS-MARXUACH, OF PUERTO RICO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE JUAN R. DEL VALLE TORRUELLA, DECEASED.

JOSEPH L. BARLOON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE LEO MAURY GORDON, RETIRED.

### DEPARTMENT OF JUSTICE

MELANIE J. BEVAN, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE WILLIAM BENEDICT BERGER, SR., TERM EXPIRED.

## THE JUDICIARY

MARIA TERESA BONIFACIO CENZON, OF GUAM, TO BE JUDGE FOR THE DISTRICT COURT OF GUAM FOR THE TERM OF TEN YEARS, VICE FRANCES MARIE TYDINGCO-GATEWOOD, TERM EXPIRED.

STEPHEN ANDREW KUBIATOWSKI, OF KENTUCKY, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE MARGARET MARY SWEENEY, TERM EXPIRED.

EDMUND G. LACOUR, JR., OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA, VICE ANDREW LYNN BRASHER, ELEVATED.

GRACE KARAFFA OBERMANN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SUSAN G. BRADEN, TERM EXPIRED.

## NOMINATIONS RETURNED TO THE PRESIDENT

Sunday, January 3, 2021

The following nominations transmitted by the President of the United States to the Senate during the first session of the 116th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

DANIEL Z. EPSTEIN, OF TEXAS, TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES FOR THE TERM OF FIVE YEARS.

## AFRICAN DEVELOPMENT FOUNDATION

RAMSEY COATS DAY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 2021.

### AMTRAK BOARD OF DIRECTORS

JOSEPH RYAN GRUTERS, OF FLORIDA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

LEON A. WESTMORELAND, OF GEORGIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

RICK A. DEARBORN, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

SARAH E. FEINBERG, OF WEST VIRGINIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

CHRIS KOOS, OF ILLINOIS, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

THEODORE ROKITA, OF INDIANA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 3, 2021.

THEODORE ROKITA, OF INDIANA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM EXPIRING JANUARY 3, 2026.

### CENTRAL INTELLIGENCE AGENCY

PETER MICHAEL THOMSON, OF LOUISIANA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

### COMMODITY FUTURES TRADING COMMISSION

ROBERT BENEDICT BOWES, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2025.

### CONSUMER PRODUCT SAFETY COMMISSION

NANCY B. BECK, OF NEW YORK, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2018.

NANCY B. BECK, OF NEW YORK, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION.

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

MATTHEW MOURY, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2021.

### DEPARTMENT OF AGRICULTURE

SCOTT SOLES, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

BRANDON LIPPS, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

SCOTT HUTCHINS, OF INDIANA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

### DEPARTMENT OF COMMERCE

NAZAK NIKAKHTAR, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

NEIL JACOBS, OF NORTH CAROLINA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

MARY A. TOMAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

MICHAEL J. WALSH, JR., OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DANIEL HUFF, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

### DEPARTMENT OF DEFENSE

JASON ABEND, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

MICHELE A. PEARCE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

JOHN E. WHITLEY, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE.

LOUIS W. BREMER, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

LUCAS N. POLAKOWSKI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

BRADLEY D. HANSELL, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF DEFENSE.

CRAIG DUEHRING, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF DEFENSE.

JONATHAN MOAK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JON CHRISTOPHER KREITZ, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

MATTHEW B. SHIPLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

BRIAN S. DAVIS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

SCOTT FRANCIS O'GRADY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

### DEPARTMENT OF EDUCATION

ANDREW A. DE MELLO, OF MASSACHUSETTS, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

### DEPARTMENT OF HOMELAND SECURITY

CHAD F. WOLF, OF VIRGINIA, TO BE SECRETARY OF HOMELAND SECURITY.

### DEPARTMENT OF JUSTICE

MICHAEL ALLEN HAGAR, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

RICHARD E. ZUCKERMAN, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL.